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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,588	12/08/2003	Roy Seta	SET-001	2136
3897	7590	03/28/2005	EXAMINER	
SCHNECK & SCHNECK P.O. BOX 2-E SAN JOSE, CA 95109-0005			CAMPBELL, KELLY E	
			ART UNIT	PAPER NUMBER
			3618	
DATE MAILED: 03/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/730,588

Applicant(s)

SETA, ROY

Examiner

Kelly E Campbell

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-21 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/18/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsley (US 622,815) in view of Kroher (US 5,860,657).

Lindsley teaches a telescoping skateboard including a telescoping member (c), see Figure 3A; a front wheel assembly (G) affixed at a first end of the telescoping member (c); a toe platform (F) affixed to the telescoping member; a heel platform (F') mounted on the telescoping member (c) and mounted on the telescoping member; wherein the front wheel assembly is a single wheel (G) on a pair of struts (I);

including a toe strap (f) and heel strap (f'), see Figure 3A;

and the front wheel being retractable via adjustable pinholes, see Figure 1.

Lindsley et al does not teach a microboard.

Kroher teaches a skateboard having a wheels (9) affixed by struts (2) and the struts, ending in a microboard (7) attachable to the struts of the skateboard frame.

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the skateboard having a telescoping frame and

wheel strut frame, as taught by Lin et al, to include a microboard extension as taught by Kroher, for allowing a user to place both feet on the skateboard.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al (US 4,709,937) in view of Kroher (US 5,860,657).

Lin et al teaches a telescoping skateboard including a telescoping member (1), see Figure 3A; a front wheel assembly (41) affixed at a first end of the telescoping member (1); a toe platform (11) affixed to the telescoping member; a heel platform (12) mounted on the telescoping member (1) and mounted on the telescoping member; wherein the front wheel assembly is a single wheel (41) on a pair of struts (31);

including a toe strap and heel strap, see Figure 3A.

Lin et al does not teach a microboard.

Kroher teaches a skateboard having a wheels (9) affixed by struts (2) and the struts, ending in a microboard (7) attachable to the struts of the skateboard frame.

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the skateboard having a telescoping frame and wheel strut frame, as taught by Lin et al, to include a microboard extension as taught by Kroher, for allowing a user to place both feet on the skateboard.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al (US 4,709,937) in view of Kroher (US 5,860,657) as applied to claim 1 above, and further in view of Tkaczyk (US 5,398,950) .

Tkaczyk teaches a skateboard having a toe (40) and heel (50) plate arrangement, wherein the heel platform (50) includes a side angling means, see Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the toe plate of the skateboard taught by Lin et al, to include a heel angling means as taught by Tkaczyk in order to provide in order to provide a foot receiving means that will snugly fit the user's shoe.

It would have been further obvious to provide the same angling means on the toe plate arrangement, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japiske, 86 USPQ 70.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al (US 4,709,937) in view of Kroher (US 5,860,657) as applied to claim 1 above, and further in view of Lee (US 5,484,149).

Lee teaches a skate having a telescoping member (1-3) and a spring (43) linking end (2) to end (3) of the telescoping member (1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the telescoping member taught by Lin et al modified by Kroher to include a spring to bias the skate in a locked position for stability when in use by a rider.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al (US 4,709,937) in view of Kroher (US 5,860,657) as applied to claim 1 above, and further in view of Caeran et al (US 6,375,198).

Caeran teaches a skate having a heel portion (415) raised with respect to a toe portion (405), see Figure 16.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the skateboard toe and heel plates taught by Lin et al modified by Kroher, such that the heel plate is disposed higher than the toe plate, for dispersing the user's body weight forward and onto the "Balls" of their feet, for more control and maneuverability over the skateboard device.

Claims 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al (US 4,709,937) in view of Kroher (US 5,860,657) as applied to claim 1 above, and further in view of Hechinger (US 4,195,857).

Hechinger teaches a skateboard (10) having a microboard (12) pivoted "over" the rear end of the skateboard platform (14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the skateboard taught by Lin et al and modified by Kroher with a microboard, to provide a pivotally mounted microboard for allowing the tail section of the skateboard to be adjusted per a user's settings and intended use as taught by Hechinger.

***Allowable Subject Matter***

Claims 10-21 are allowed.

The following is an examiner's statement of reasons for allowance: The primary reason for allowance is the combination of a telescoping skateboard, side swiveling microboard, and toe platform retractable to a folded position under the heel platform. A combination of these and other limitations have not been reasonably found in the prior art.

***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E Campbell whose telephone number is (703) 605-4264. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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